



**THE CITY OF NEW YORK
LAW DEPARTMENT**

MICHAEL A. CARDODOZ
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

ALEXANDRA CORSI
Assistant Corporation Counsel
phone: (212) 788-1090
fax: (212) 788-9776
email: acorsi@law.nyc.gov

August 2, 2012

BY ECF

Honorable Viktor P. Pohorelsky
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Joseph Fessale, et al., v. City of New York, et al.,
11 CV 894 (KAM) (VVP)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the above-referenced matter. Pursuant to Your Honor's Order dated July 3, 2012, enclosed please find a Stipulation and Order of Dismissal for the Court's endorsement in the above-referenced case. Accordingly, and pursuant to Your Honor's July 3, 2012 Order, the parties respectfully request that the conference scheduled for August 14, 2012 at 5:00 p.m. be cancelled. Thank you for your consideration in this regard.

Respectfully submitted,

/s/

Alexandra Corsi
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mr. Chidi Eze, Esq. (by ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH FESSALE and MITZIE SIMON,

Plaintiff,

-against-

THE CITY OF NEW YORK, SGT. EDWARD BABINGTON,
SGT. BADILLO, P.O. MARK BEELITZ, P.O. MEHMOOD,
P.O. DIXON, P.O. DAUGHTRY, P.O. JOSEPH, and LT.
ORTLIEB,

Defendants.

**STIPULATION AND ORDER OF
DISMISSAL**

11 CV 894 (KAM) (VVP)

-----X

WHEREAS, the parties have reached a settlement agreement and now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

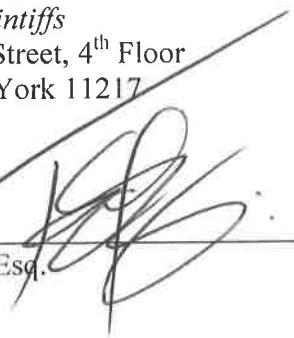
NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, by

and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice.

Dated: August 1, 2012
New York, New York

CHIDE EZE, ESQ.
Attorney for Plaintiffs
225 Livingston Street, 4th Floor
Brooklyn, New York 11217

By: 
Chide Eze, Esq.

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 173A
New York, New York 10007

By: 
Michael A. Cardozo

SO ORDERED: 
KIYO A. MATSUMOTO, U.S.D.J.